

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 02-00225 (01) DAE
)	
Plaintiff,)	
)	
vs.)	
)	
ANDY S.S. YIP, (01))	
BRENDA M.O. CHUNG (02),)	
)	
Defendants.)	
_____)	

ORDER VACATING ORDER DENYING DEFENDANT YIP'S MOTION
FOR JUDGMENT NOTWITHSTANDING VERDICT AS TO COUNT 1
AND GRANTING DEFENDANT YIP'S EX PARTE MOTION FOR
REOPENING OF THE PROCEEDINGS ON DEFENDANT YIP'S MOTION
FOR JUDGMENT NOTWITHSTANDING VERDICT AS TO COUNT 1

Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing. After reviewing Defendant Yip's ex parte motion and the supporting memoranda, the Court GRANTS Defendant Yip's Ex parte Motion for Reopening of the Proceedings on Defendant Yip's Motion for Judgment Notwithstanding Verdict as to Count 1.

On November 13, 2007, the Court heard Defendant Yip's Motion (Doc. #288) and issued its order denying Defendant Yip's Motion on November

13, 2007 (Doc. #299). On November 15, 2007, Yip filed the instant ex parte motion for reopening of the proceedings (Doc. #300). Yip contends that although he filed a reply brief to his motion, he did not address the factual recitations contained in the Government's supplemental opposition, which was filed on October 26, 2007, because he was not served with a copy of the supplemental opposition. Yip claims that he only became aware of the Government's supplemental opposition upon reading this Court's order denying his motion for judgment notwithstanding the verdict. Yip's counsel states that the Government does not oppose reopening the proceedings. On November 16, 2007, the Government filed a statement in response to the ex parte motion noting that records in this case show that Defendant's counsel was served with the Government's supplemental opposition on October 26, 2007, at 3:49 p.m.

Accordingly, the Court hereby VACATES its Order Denying Defendant Yip's Motion for Judgment Notwithstanding Verdict as to Count 1 (Doc. #299) and allows Defendant Yip up to and including December 3, 2007, to

file a reply to the Government's Supplementary Opposition Memorandum to Defendant Yip's Motion for Judgment Notwithstanding The Verdict as to Count I.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 19, 2007.





David Alan Ezra
United States District Judge

United States v. Yip, et al., CR No. 02-00225 (01) DAE; ORDER VACATING ORDER DENYING DEFENDANT YIP'S MOTION FOR JUDGMENT NOTWITHSTANDING VERDICT AS TO COUNT 1 AND GRANTING DEFENDANT YIP'S EX PARTE MOTION FOR REOPENING OF THE PROCEEDINGS ON DEFENDANT YIP'S MOTION